

Attorney Docket No. LEAP:136US
U.S. Patent Application No. 10/811,348
Reply to Office Action of August 2, 2005
Date: November 2, 2005

Amendments to the Drawings

The attached sheet of drawings includes changes to Figure 5. This sheet replaces the original sheet that included only Figure 5. In Figure 5, previously numbered element 46 has been renumbered element 40 to be consistent with corresponding figures and numbering of other drawing sheets.

Attachment: Replacement Sheet

Remarks/Arguments

Objection to Disclosure

The Examiner objected to the disclosure due to informalities found in page 4, where Applicant failed to disclose serial numbers and filing dates of applications that had been incorporated by reference into the present application. Applicant graciously accepts the Examiners recommendation and assistance in correcting this informality, and has amended the specification to be in accordance with those suggestions. Therefore, paragraph [0017] on page 4 of the specification now includes the serial numbers of the applications that had previously been only referred to by the application titles, and although applicant had previously written that the five referenced applications were filed concurrently with the current application, Applicant has also included the March 26, 2004 filing date of the referenced applications for the sake of clarity. Consequently, this amendment does not constitute new matter, and Applicant respectfully requests removal of the objection.

Also, Applicant has amended grammatical errors in the specification by replacing the word "and" with the word "an" in paragraph [0022]. An additional comma was also added after "etc.". These amendments add no new matter.

Drawing Amendments

The Examiner objected to the drawings based on a failure to comply with 37 CFR 1.84(p)(4). Specifically, Figure 5 was objected to because number "46" referred to both "a hand of a user" in Figure 2, and "a wall" in Figure 5. Applicant thanks the Examiner for pointing out this error in numbering, and in keeping with 37 CFR 1.84(p)(4), Applicant has merely changed the previously referenced wall of the recess on Fig. 5, which was labeled as number "46" to number "40". Number "46" now only designates "a hand of a user", and number "40" only designates "a wall". Consequently, this change has added no new elements and was merely a change in numbering of existing drawings, and no new matter has been added. Applicant respectfully requests removal of the objection to the drawings.

Claim Objections

The Examiner indicated that Claim 15 is unclear and required an explanation or correction to add clarity. To address this objection, Applicant has amended Claim 15 by adding a comma after “a removable panel”, and adding the phrase “said removable panel” after the new comma. Applicant argues that after this amendment it is now plain to understand that the removable panel has the recessed portion. Applicant respectfully requests removal of the objection to Claim 15.

The § 102 (b) Rejections of Claims 1-19

In the Office Action of August 2, 2005 Examiner rejected independent Claims 1, 9 and 15 under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. D400,548 issued to Komatsuzaki (“Komatsuzaki” of “the ‘548 patent”) and by U.S. Patent No. D459,744 issued to Apotheloz (“Apotheloz” of “the ‘744 patent”). Applicant has amended Claim 1 and 15 by adding the word arcuate to modify the inner recess surface, and respectfully traverses this rejection and requests reconsideration.

Applicant courteously points out that the now amended independent Claim 1, from which Claims 2-8 depend, claims in part “at least one recessed portion extending from said interior surface of said microscope arm to an arcuate inner recess surface of said microscope arm. . . .” Similarly, independent Claim 15 now claims an inner recess surface that is arcuate. New Claim 20 has been added as an additional independent claim that finds support in the specification in Figure 1, which shows the recessed portion as fixed. Additional support is found in Paragraph [0006] which describes the recessed portion with fixed dimensions. The recessed portion cannot be changed by the movement of the objective turret or any other portion of the microscope as is possible with microscope in the ‘744 patent.

As you know, each and every element of the invention as claimed must be found in a single prior art reference in order for a claim to be anticipated. Applicant respectfully submits that both the ‘548 patent and the ‘744 patent fail to teach every element of the claimed invention. As seen in Figure 2 below, the microscope arm in the ‘548 patent is L-shaped and has **no curved (arcuate) surface** at all. Additionally, the ‘548 patent does not depict an inner recess surface that

is arcuate. The same is true concerning the '744 patent, as can be seen in Figure 3 below. The instant application clearly claims a **curved inner recess surface** by using the term arcuate, and the drawings and specification in the original application support the current amendments in Claims 1 and 15 that reflect that curved surface. In Figure 1 below, the original Figure 1 from the instant patent application has been reproduced in reduced size with the curved microscope arm and the curved inner recess surface highlighted. This emphasizes the existence of a curved inner recess and microscope arm in the instant application and the absence of such in the '548 and '744 patents. These images demonstrate that independent Claims 1 and 15 of the instant application are not anticipated by the '548 and the '744 patents since both of those references are missing a critical element of the instant application, an arcuate inner recess surface. Applicant respectfully requests reconsideration and passage to allowance.

Independent Claim 9 was also rejected as anticipated by the '548 and '744 patent, but Applicant argues that the rejection was improper because the curved microscope arm element that is claimed in the original wording of Claim 9 is likewise not found in either of the references cited as grounds for the rejection. The original Claim 9 covers a recessed portion that exists on an arcuate microscope arm. Figures 1, 2 and 3 below starkly contrast the presence of a curved microscope arm in the instant application, and the absence of that element in the '548 and '744 patent. Applicant submits that independent Claims 1, 9 and 15 are not anticipated by the cited references, and thus respectfully traverses the rejection of those claims and requests reconsideration.

Claims 2-8, 10-14 and 16-19 depend from Claims 1, 9 and 15, respectively, and thus incorporate all the limitations of those claims. Because, as discussed above, the '548 and the '744 patents fail to anticipate all the elements of Claims 1, 9 and 15, as set forth in those claims, those patents also fail to anticipate Claims 2-8, 10-14 and 16-19. Applicants respectfully request the removal of the rejections to Claims 2-8, 10-14 and 16-19 and passage to allowance of those claims.

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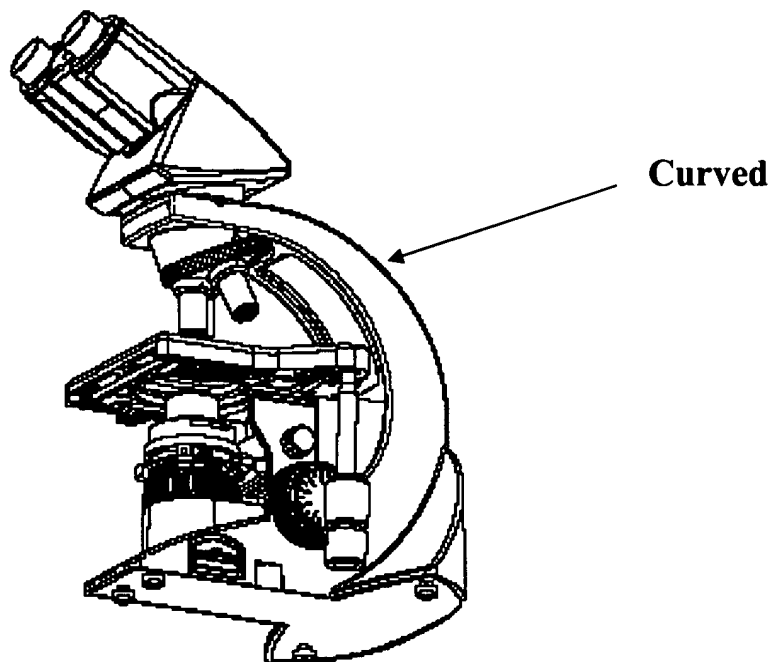


Fig. 1 - 10/811,348

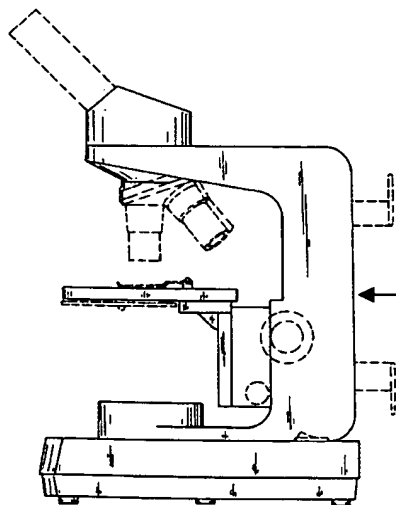


Fig. 2 - '548 Patent

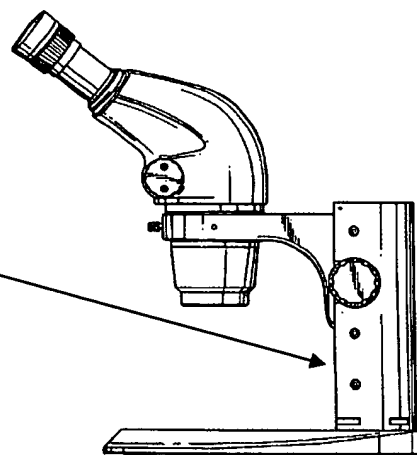


Fig. 3 - '744 Patent

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Conclusion

Applicant respectfully submits that the present application is now in condition for allowance, which action is courteously requested. The Examiner is invited and encouraged to contact the undersigned attorney of record if such contact will facilitate an efficient examination and allowance of the application.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "C. Richard Lohrman".

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Dated: November 2, 2005

Appendix